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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,995	01/18/2002	Norbert Becker	3286-0168P	7874

30596 7590 09/27/2004

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EXAMINER

LY, ANH

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,995

Applicant(s)

BECKER ET AL.

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is response to Applicants' Amendment filed on 05/24/2004.

Applicants' arguments are not persuasive.

Applicants' argued that, "there is no teaching or suggestion in Gloudeman for ""creating, via the engineering system, corresponding representatives for the designated types and, for each of the representatives."" (Page 13, lines 12-14).

Gloudeman et al. of 6,119,125 teaches computer-implemented building automation system providing a computer software architecture that supports object-oriented system development and an application engineer designing an application to perform a building automation function that solves a problem or customer need in the context of a building automation system (see abstract). To implement this application, the automation system is based on a standard set objects which the application engineer has available to construct these applications containing standard objects that are grouped according to their primary use at the control layer and information layer (col. 4, lines 12-17; also col. 1, lines 40-58 and col. 6, lines 12-20).

Applicants' argued that, "Fraley fails to make up for this limitation: "entering a reference to the object."" (Page 14, lines 7-11).

Fraley et al. of 6,263,492 teaches objects in object-oriented programming environment including creation of objects and the object class is implemented both the run-time objects and design-time objects and objects are entered into a table, from which a pointer or referencing to an object are created and stored (col. 1, lines 15-30, col. 3, lines 12-18, col. 6, lines 60-67 and col. 7, lines 18-22).

Applicants' argued that, "such alleged motivation ... Office action makes use of impermissible hindsight reconstruction." (Page 15, lines 14-16).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971); and

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, (the motivation is based on the process of object created in the automation system with an application object specifying the connection of objects (Gloudeman et al. col. 7, lines 28-52).

2. Claim 25 is added.
3. Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,119,125 issued to Gloudeman et al. (hereinafter Gloudeman) in view of US Patent No. 6,263,492 issued to Fraley et al. (hereinafter Fraley).

With respect to claim 1, Gloudeman teaches supplying, via the objects, an identifying designation of a type of respective representative to the engineering system (each object in the system is identified by an access key object: col. 19, lines 38-45);

creating, via the engineering system, corresponding representatives for the designated types and, for each of the representatives (building an automation system containing objects: col. 1, lines 40-58);

and having, based upon the reference, each representative read out engineering information from the object (the objects are read out by using Read and Signup method: col. 6, lines 55-65).

Gloudeman discloses constructing building automation applications, which are providing a computer software architecture supporting object-oriented software system as well as application for engineering for creating sets of applications for each device environment (col. 1, lines 40-50 and col. 4, lines 5-10), uploading object data to designated intermediate storage device (col. 27, lines 8-14), and objects in the system are referenced as indexes via slot indexes. Gloudeman does not explicitly indicate entering a reference to the object.

However, Fraley teaches objects are entered into a table, from which a pointer or referencing of an object is stored (col. 6, lines 60-67 and col. 7, lines 18-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gloudeman with the teachings of Fraley by incorporating the user of entering a reference of an object by using a function table containing pointers of objects (col. 6, lines 60-67). The motivation being is for an automation system containing the collection of objects defined the components of an application, which provided the connections between objects and a

control logic sequence in order to solve a problem or meet a customer need (Gloudeman – col. 7, lines 28-52).

With respect to claim 2, Gloudeman teaches supplying, for devices on which the automation objects run, an identifying designation of a type of respective device representative to the engineering system, creating, via the engineering system, corresponding device representatives for the designated types and having, based upon the reference, each device representative read out engineering information from the device and, wherein, in a second step for the restoration of representatives of the automation objects in the engineering system, the method further comprises, supplying, via the automation objects, an identifying designation of a type of respective representative to the engineering system, creating, via the engineering system, Corresponding representatives for the designated types, and having, based upon the reference, each representative read out engineering information from the automation object (each object in the system is identified by an access key object: col. 19, lines 38-45; and building an automation system containing objects: col. 1, lines 40-58; and the objects are read out by using Read and Signup method: col. 6, lines 55-65).

Gloudeman teaches constructing building automation applications, which are providing a computer software architecture supporting object-oriented software system as well as application for engineering for creating sets of applications for each device environment (col. 1, lines 40-50 and col. 4, lines 5-10), uploading object data to designated intermediate storage device (col. 27, lines 8-14), and objects in the system are referenced as indexes via slot indexes. Gloudeman does not explicitly indicate

entering for each of the device representatives or to the automation object, a reference to the device , entering a reference to the object.

However, Fraley teaches objects are entered into a table, from which a pointer or referencing of an object is stored (col. 6, lines 60-67 and col. 7, lines 18-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Gloudeman with the teachings of Fraley by incorporating the use of using a function table containing pointers of objects (col. 6, lines 60-67). The motivation being is for an automation system containing the collection of objects defined the components of an application, which provided the connections between objects and a control logic sequence in order to solve a problem or meet a customer need (Gloudeman – col. 7, lines 28-52).

With respect to claim 3, Gloudeman discloses supplying, via the devices, lists with communication relationships to the engineering system (col. 4, lines 31-67); and converting, in the engineering system, entries of the lists into references to inputs and outputs of the representatives of the automation objects and, subsequently,. setting up corresponding connections up in the engineering system (col. 9, lines 25-42 and col. 12, lines 44-52).

With respect to claim 4, Gloudeman discloses wherein both the objects of the engineering system and the objects of the automation system are described by a uniform, executable object model and a direct communication at model level is possible between the objects of the engineering system and the objects of the automation

system (col. 3, lines 38-67, col. 4, lines 1-10, col. 6, lines 12-46 and col. 7, lines 54-62; also see fig. 2; level of object model).

With respect to claim 5, Gloudeman discloses wherein entries in the lists with communication relationships contain sources and drains of the communication relationships, the sources and drains in each case being described by a triple from an identifier of the device, an identifier of the automation object and an identifier of the input or output (col. 9, lines 4-42).

With respect to claim 6, Gloudeman discloses wherein the objects of the automation system have no direct reference to the associated objects of the engineering system, to make it possible for the engineering system and automation system to be separated (col. 22, lines 55-67 and col. 23, lines 1-10).

With respect to claim 7, Gloudeman discloses wherein, the method is used for the updating of already existing engineering information as a delta method. (col. 17, lines 55-67 and col. 18, lines 1-32; also col. 27, lines 4-14).

Claim 8 is essentially the same as claim 1 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 9 is essentially the same as claim 2 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 10 is essentially the same as claim 3 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 11 is essentially the same as claim 4 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 12 is essentially the same as claim 5 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 13 is essentially the same as claim 6 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 14 is essentially the same as claim 7 except that it is directed to a system rather than a method, and is rejected for the same reason as applied to the claim 7 hereinabove.

With respect to claims 15-16, Gloudeman discloses wherein both the objects of the engineering system and the objects of the automation system are described by a uniform, executable object model and a direct communication at model level is possible between the objects of the engineering system and the objects of the automation system (col. 3, lines 38-67, col. 4, lines 1-10, col. 6, lines 12-46 and col. 7, lines 54-62; also see fig. 2; level of object model).

With respect to claims 17-19, Gloudeman discloses wherein entries in the lists with communication relationships contain sources and drains of the communication relationships, the sources and drains in each case being described by a triple from an identifier of the device, an of the automation object and an identifier of the input or output (col. 9, lines 4-42).

Claims 20-21 are essentially the same as claims 15-16 except that they are directed to a system rather than a method, and are rejected for the same reason as applied to the claims 15-16 hereinabove.

Claims 22-24 are essentially the same as claims 17-19 except that they are directed to a system rather than a method, and are rejected for the same reason as applied to the claims 17-19 hereinabove.

With respect to claim 25, Gloudeman teaches wherein the first step for the restoration of device representatives in the engineering system is initiated from a software system (col. 2, lines 28-42 and col. 3, lines 4-16).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is 703 306-4527 or via E-Mail: ANH.LY@USPTO.GOV. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on 703 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703 746-7239.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks

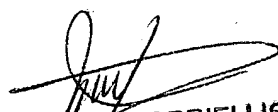
Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-6606 or 703 305-3900.

ANH LY 
SEP. 20th, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER